charge is not coercion. *Sweeney v. Berlin Co.*, 101 N. Y. 20. *Contra, Mason v. Richmond Ry.*, 111 N. C. 482. Mere employment of a minor about dangerous work is not negligence *per se*. *Penn Co. v. Long*, 94 Ind. 250; *Texas, etc., Ry. v. Charlton*, 60 Tex. 397. Infancy in and of itself does not preclude his assumption of risks. *De Graff v. N. Y. Cent. Ry.*, 76 N. Y. 125. Yet if his judgment is so immature as to be unable to comprehend the danger of the machine, the employer would be liable. *Taylor v. Wootan*, 1 Ind. 188; *Goins v. Chicago, etc., Ry. Co.*, 37 Mo. App. 221.

NEGLIGENCE—MAINTENANCE OF TURNTABLE BY RAILROAD—LIABILITY.—WALKER'S ADM'R V. POTOMAC, F. & P. R. CO., 53 SOUTHEASTERN REP. 113 (VIRGINIA). This case repudiates the turntable doctrine as established in most states, inasmuch as it holds that, under the common law rule that a landowner owes no duty to a trespasser, a railroad company is guilty of no negligence in maintaining an unlocked turntable on its premises at a distance of from fifty to three hundred feet from public land, and hence, is not liable for an accident causing the death of a child twelve years of age who trespassed upon such ground.

PRINCIPAL AND AGENT—IMPLIED CONTRACT—KNOWLEDGE OF AGENT.—BLOWER V. SOUTHERN RY. CO., 54 So. E. 368 (So. CAROLINA).—*Held*, that if a mail messenger for the government transfers mail, which is the duty of the railway company while thinking that he is doing government work, and the general agent of said railway company accepts the benefits of his labor, with knowledge of the mistake, such company is liable for the reasonable value of the work done.

If a person allows another to work for him under such circumstances that no reasonable man would suppose that the latter was doing it for nothing, he will be liable on an implied contract. *Day v. Caton*, 119 Mass. 513; *Huck v. Flentze*, 80 Ill. 258. The doing of the work is an offer; the acquiescence in its being done is the acceptance. *Clark on Contracts*, 2nd Ed. 15. The implication is merely one of fact. *Pol. Cont.*, 9; *Leake on Cont.*, 11. One cannot recover for labor voluntarily performed for another under no express nor implied promise to pay. *De Montague v. Bacharach*, 187 Mass. 128; *Watkins v. Richmond College*, 41 Mo. 302. As a general rule mere silence does not constitute a ratification of agency. *Royal Ins. Co. v. Beatty*, 119 Pa. St. 6. Where, however, special circumstances and good faith require a man to speak and he does not, he is thereafter estopped to deny the agency. *Huffcut on Agency*, 49. Moreover, such principal must ratify the transaction *in toto*. *Mundorff v. Wickersham*, 63 Pa. St. 87; *Eberts v. Selover*, 44 Mich. 519. This principle also applies where the agent, alone, has knowledge of such material facts. *Hyatt v. Clark*, 118 N. Y. 563; *Satterfield v. Malone*, 35 Fed. 445.

POWERS—SALE OF LAND—AUTHORITY OF ONE TRUSTEE.—HILL ET AL V. PEOPLE, 95 S. W. 990 (ARK.).—*Held*, when land was devised by testator to three trustees, with full power to sell and carry same, the concurrence of two of the trustees was essential to the validity of a sale under the power.

Testator has power to require a power of sale to be exercised jointly by the executors and trustees and such intention must be given full force and effect. 80 Md. 454. When authority to sell land is given all the acting

executors living at the time must join in the sale, 3 Day 384.

When a deed was executed by two executors during the lifetime of third and it did not appear that he had given his assent, the deed was held ineffectual as a conveyance. 9 N. Y. S. 389.

General opinion seems to be where one executor acts and it is expressly or impliedly assented to by the others it is valid. *Banus v. Drake,* 50 N. C. 153; *Silverthorn v. McKinister,* 12 Pa. (2 Jones) 67; *Dunn's Ex'rs v. Renick,* 40 W. Va. 549.

RAILROADS—PUBLIC HIGHWAYS—SHIFTING OF CARS.—LONG V. MISSOURI PAC. RY. CO., 91 S. W. (Mo.) 1012.—*Held,* that "shunting" cars and "flying the switch" across public highways without warning is negligence, *per se.*

This doctrine is by no means settled. Some jurisdictions hold that it extends to trespassers where there is no public highway. *Patton v. East Tenn., V. & G. R. Co.,* 89 Tenn. 370. *Contra,—Wright v. Boston & A. R. Co.,* 142 Mass. 396. The general rule seems to be that the question of negligence is to be left to the jury. *Delaware, L. & W. R. Co. v. Converse,* 139 U. S. 469; *Chicago, R. I. & P. R. Co. v. Digman,* 56 Ill. 487. Some jurisdictions hold that contributory negligence on the part of the traveler does not preclude his right of recovery. *Penn R. Co. v. McGirr,* 61 Md. 108. *Contra,—Haley v. N. Y. Central & H. R. R. Co.,* 7 Hun. 84.

RAILROADS—INJURIES TO PEDESTRIANS—LIABILITY TO TRESPASSERS.—BROWN V. BOSTON & M. R. R., 64 ATL. 194 (N. H.). A trespasser, an old and partially deaf woman, while walking on defendant's track was killed by an express train. Neither engineer nor fireman saw trespasser on the track. *Held,* that a railroad company is liable for negligently killing deceased while she was walking by the track, even though she was a trespasser, providing she was in the exercise of due care and the defendant's servants failed to exercise due care to discover her presence in such a situation, when circumstances existed which would have put a person of average prudence on inquiry. Young, J., *dissenting.*

There seems to be no other decided case which carries to such an extent the doctrine promulgated by this case. On the other hand, the weight of authority is to the contrary. The well settled general rule is that railroads are liable for injuries to trespassers only when the railroad has been guilty of gross negligence. *Western & A. R. R. v. Meigs,* 74 Ga. 857; *Richmond & D. R. Co. v. Tay,* 106 N. C. 404. This rule is usually construed to mean that the trespasser in order to recover must show that the persons in charge of the train saw him and after seeing him failed to exercise reasonable diligence to prevent the injuries. *Gherkins v. Louisville & N. R. Co.,* 30 S. W. 651 (Ky.). Another class of cases holds that the only duty a railroad company owes a trespasser is to refrain from wantonly and wilfully injuring him. *Ill. Cent. R. R. v. Eicher,* 202 Ill. 556.

RAILROADS—CROSSING ACCIDENT—CONTRIBUTORY NEGLIGENCE.—SANGUINETTE V. MISS. RIVER, ETC., RY. CO., 95 S. W. 386 (Mo.).—*Held,* where a person, familiar with the railroad crossing, was being driven in a vehicle by another, but did not look for an approaching train, he was guilty of contributory negligence as a matter of law and an action for his death would not lie.